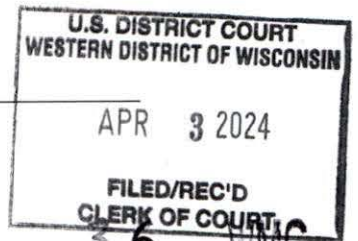


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN



UNITED STATES OF AMERICA

INDICTMENT

v.

Case No. 24 CR

SHAWNA TANTILLO,

Defendant.

18 U.S.C. § 371
18 U.S.C. § 924(a)(1)(A)
18 U.S.C. § 924(d)(1)
18 U.S.C. § 932(b)(1)
28 U.S.C. § 2461(c)

THE GRAND JURY CHARGES:

COUNT 1

1. At times material to this indictment:

a. Defendant SHAWNA TANTILLO and Person 1 knew each other, and TANTILLO knew that Person 1 had at least one felony conviction. Person 1 was convicted of felony crimes in Wisconsin on three separate occasions: in 2012, 2013, and 2014.

b. Title 18, United States Code, Section 922(g) made it a federal crime for prohibited categories of people to knowingly possess in or affecting commerce a firearm that had previously traveled in and affected interstate commerce. Included in these prohibited categories are individuals who have been convicted of crimes punishable by imprisonment for terms exceeding one year (felons).

c. Title 18, United States Code, Section 922(d) made it a federal crime for any person to sell or otherwise dispose of a firearm or ammunition to any person knowing or having reasonable cause to believe that such a person falls into certain

prohibited categories. Included in these prohibited categories are individuals who have been convicted of crimes punishable by imprisonment for terms exceeding one year (felons).

d. Any person or business seeking to engage in dealing, manufacturing, or importing of firearms and ammunition must obtain a federal firearms license from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

e. Federal firearms licensees (FFLs) are required to maintain records of all firearms transfers to transferee/buyers on an ATF Form 4473, which documents the transferee/buyer's name, date of birth, identification, and the buyer's attestation that he or she is not prohibited by Section 922(g) and is the actual transferee/buyer. FFLs use the information on the ATF Form 4473 to run a check on proposed firearm purchasers through the National Instant Criminal Background Check System (NICS), which is designed to ensure that persons cannot purchase a firearm from an FFL if they are prohibited from doing so (for example, if they have been convicted of a felony). The ATF Form 4473 includes the following:

Warning: You are not the actual transferee/buyer if you are acquiring any of the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer any of the firearm(s) to you.

f. In Wisconsin, FFLs complete this check for handguns through the Wisconsin Handgun Hotline, who utilizes, among other queries, NICS to complete the background check.

g. The ATF Form 4473 also requires the transferee/buyer to attest that he or she does not plan to sell or otherwise dispose of the firearm to any person who

has been convicted of an offense punishable by imprisonment for a term of more than one year.

2. From on or about November 28, 2023, to on or about December 8, 2023, in the Western District of Wisconsin, the defendant,

SHAWNA TANTILLO,

knowingly and intentionally conspired and agreed with Person 1, a person TANTILLO knew was previously convicted of a felony, to violate Title 18, United States Code, Section 922(g)(1).

3. It was part of the conspiracy that on or about November 28, 2023, Person 1 asked TANTILLO to purchase a firearm for Person 1. TANTILLO agreed and afterward, she and Person 1 visited PT Firearms, an FFL in Cross Plains, Wisconsin on several occasions to select the firearm that TANTILLO would purchase for Person 1.

Overt Acts

4. In furtherance of the conspiracy and to effect the object of the conspiracy, the defendant committed the following overt acts in the Western District of Wisconsin:

a. On December 7, 2023, TANTILLO and Person 1 went to PT Firearms, Cross Plains, Wisconsin. TANTILLO selected a Bersa Thunder 380, a .380 caliber handgun, a gun that had previously traveled in interstate commerce. TANTILLO filled out an ATF Form 4473 to purchase the Bersa handgun. On the ATF Form 4473, TANTILLO falsely indicated that she was the actual transferee/buyer of the firearm, contrary to the warning noted above. PT Firearms staff used the information on the ATF Form 4473 to run a background check on TANTILLO.

b. On December 8, 2023, TANTILLO and Person 1 returned to PT Firearms. TANTILLO purchased and took receipt of the Bersa handgun. After leaving the store, TANTILLO gave the Bersa handgun to Person 1 who gave TANTILLO the purchase price plus \$150 as payment for buying the firearm for Person 1.

(In violation of Title 18, United States Code, Section 371.)

COUNT 2

1. Paragraph 1 of Count 1 is realleged here.
2. On or about December 7, 2023, in the Western District of Wisconsin, the defendant,

SHAWNA TANTILLO,

knowingly made a false statement and representation to PT Firearms, Cross Plains, Wisconsin, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of PT Firearms, in that the defendant executed a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Form 4473, Firearms Transaction Record, indicating that the defendant was the actual buyer of the Bersa Thunder firearm indicated on the ATF Form 4473 when in fact the defendant then knew, the defendant was not the actual buyer of the firearm and was purchasing the firearm for Person 1.

(In violation of Title 18, United States Code, Section 924(a)(1)(A).)

COUNT 3

1. Paragraph 1 of Count 1 is realleged here.

2. On or about On or about December 8, 2023, in the Western District of Wisconsin, the defendant,

SHAWNA TANTILLO,

knowingly purchased a Bersa Thunder 380 .380 caliber handgun, in or affecting interstate and foreign commerce, on behalf of, and at the request of, Person 1, knowing and having reasonable cause to believe that Person 1 had previously been convicted in any court of a felony punishable by imprisonment for a term exceeding one year.

(In violation of Title 18, United States Code, Section 932(b)(1).)

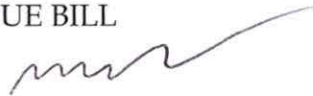
FORFEITURE ALLEGATION

Upon conviction of the offense in violation of Title 18, United States Code, Section 924(a)(1)(A) set forth in Count 2 of this indictment, the defendant,

SHAWNA TANTILLO,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to: a Bersa Thunder 380 .380 caliber handgun and Blazer .380 caliber ammunition.

A TRUE BILL



PRESIDING JUROR

Indictment returned: 2024-04-03



TIMOTHY M. O'SHEA
United States Attorney